

1	UNITED STATES DISTRICT COURT	
2	DISTRICT OF NEVADA	
3	ROBERTO DURAND,	Case No. 3:21-cv-00322-MMD-WGC
4		ORDER
5	v.	
6	N. JOHNSON,	
7		Defendant
8		

9 **I. DISCUSSION**

10 On July 27, 2021, Plaintiff, an inmate in the custody of the Nevada Department of  
11 Corrections ("NDOC"), submitted a civil rights complaint under 42 U.S.C. § 1983 and filed  
12 an application to proceed *in forma pauperis*. (ECF Nos. 1-1, 1). Plaintiff's application to  
13 proceed *in forma pauperis* is incomplete. Plaintiff has not submitted an inmate account  
14 statement for the previous six-month period with his application.

15 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin  
16 a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil  
17 action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the  
18 inmate must submit all three of the following documents to the Court:

19 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this  
20 Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on  
21 page 3),  
22 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail  
23 official (i.e. page 4 of this Court's approved form), and  
24 (3) a copy of the **inmate's prison or jail trust fund account statement for the**  
25 **previous six-month period**.

26 Accordingly, the Court denies Plaintiff's application to proceed *in forma pauperis*  
27 (ECF No. 1) without prejudice because the application is incomplete. The Court will grant  
28 Plaintiff a **one-time extension** to file a fully complete application to proceed *in forma*

1 *pauperis* containing all three of the required documents. Plaintiff will file a fully complete  
2 application to proceed *in forma pauperis* on or before **September 28, 2021**. Absent  
3 unusual circumstances, the Court will not grant any further extensions of time. If Plaintiff  
4 does not file a fully complete application to proceed *in forma pauperis* with all three  
5 required documents on or before **September 28, 2021**, this case will be subject to  
6 dismissal without prejudice for Plaintiff to file a new case with the Court when Plaintiff is  
7 able to acquire all three of the documents needed to file a fully complete application to  
8 proceed *in forma pauperis* or pays the full \$402 filing fee.

9 A dismissal without prejudice means Plaintiff does not give up the right to refile the  
10 case with the Court, under a new case number, when Plaintiff has all three documents  
11 needed to submit with the application to proceed *in forma pauperis*. Alternatively, Plaintiff  
12 may choose not to file an application to proceed *in forma pauperis* and instead pay the  
13 full filing fee of \$402 on or before **September 28, 2021** to proceed with this case.

14 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1) but the Court  
15 will not file the complaint unless and until Plaintiff timely files a fully complete application  
16 to proceed *in forma pauperis* with all three documents or pays the full \$402 filing fee.

17 **II. CONCLUSION**

18 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed  
19 *in forma pauperis* (ECF No. 1) is denied without prejudice to file a new fully complete  
20 application to proceed *in forma pauperis* with all three documents.

21 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the  
22 approved form application to proceed *in forma pauperis* by an inmate, as well as the  
23 document entitled information and instructions for filing an *in forma pauperis* application.

24 IT IS FURTHER ORDERED that on or before **September 28, 2021**, Plaintiff will  
25 either pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and  
26 the \$52 administrative fee) or file with the Court:

27 (1) a completed Application to Proceed *in Forma Pauperis* for Inmate on this  
28 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two

signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and

(3) a copy of the inmate's prison or jail trust fund account statement for the previous six-month period.

IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to proceed *in forma pauperis* with all three documents or pay the full \$402 filing fee for a civil action on or before **September 28, 2021**, this case will be subject to dismissal without prejudice for Plaintiff to refile the case with the Court, under a new case number, when Plaintiff has all three documents needed to file a complete application to proceed *in forma pauperis* or pays the the full \$402 filing fee.

IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint (ECF No. 1-1) but will not file it at this time.

DATED: August 3, 2021

Walter G. Cobb

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UNITED STATES MAGISTRATE JUDGE